

In the immediate parent (09/221,479), the Examiner rejected claim 31, among others, under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,412,717 to Fischer ("Fischer I") in view of U.S. Pat. No. 5,499,298 to Nirasimhalu and U.S. Pat. No. 5,390,247 to Fischer ("Fischer II"). (See Office Action dated November 12, 1999, ¶ 10). On May 10, 2000, Applicants canceled without prejudice claim 31, among others, and the remaining claims in the '479 application are now in condition for allowance.

With this application, Applicants are submitting independent claims 7, 133, 259 and 385 for prosecution. Although these new claims are similar to claim 31 in immediate parent 09/221,479, the new claims specify that the secure container contents constitute various specific types of files, including audio, video, image and text. In each case, the file is governed by the combination of two rules.

Fischer I is directed at a method for limiting the damage which may be accomplished by an untrustworthy computer program (e.g., a virus). In order to limit such damage, the Fischer PAI controls the actions that a computer program may take. Fischer is quite clear that the described invention is designed to place limits on a computer program's ability to make use of computer resources: "In accordance with the present invention, a PAI is associated with programs to be executed." Fischer, 7:14-15. The invention is therefore directed to protecting the recipient of a computer program from undesired effects caused by a malicious programmer.

Applicants respectfully submit that independent claims 7, 133, 259 and 385 are patentably distinct from Fischer I for at least the following reasons. As rewritten, independent claims 7, 133, 259 and 385 do not recite control over a computer program, but instead recite a secure container containing audio, video, text or image information. Fischer I does not teach control of files other than computer programs nor is such control suggested by Fischer. Fischer protects the recipient of a computer program from damage by restricting the actions the program may take. The invention recited in the new independent claims, on the other hand, does not relate to controlling the actions which may be performed by a received file, but instead relate to controlling the use that the recipient of the file may make of the file. Whereas in Fischer the control is imposed by the recipient and is designed to block actions which the sender of the program has designed it to take, the rewritten independent claims recite controls which limit the use the recipient may make of that file. Thus, Fischer seeks to control the sender's ability to perform actions the recipient does not desire, and does so by limiting the actions the sender's program may take. In the rewritten independent claims, on the other hand, the invention is designed to control the recipient's ability to make uses of the file which the sender (or someone else) does not desire.

Not only does Fischer never describe or suggest using the Fischer invention with non-program files such as audio, video, etc., it does not appear that such use would even be possible, since the Fischer PAI acts to block the actions the received file may take which may affect the recipient's computer, rather than restricting the actions the recipient may take which may affect the received file.

If there are any other fees due in connection with the filing of this response, include fees for an extension of time, please charge the fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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